

D-5

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 11, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:08HD-018

HAWAII

Extension of Approval in Principle of Direct Lease to
Connections New Century Public Charter School for School
Purposes, Kaumana, Hawaii, Tax Map Key: (3) 2-5-6:141.

BACKGROUND:

The Land Board at its meeting of March 28, 2008, under agenda Item D-5, granted approval in principle of a lease to Connections New Century Public Charter School for school purposes and authorization for Connections New Century Public Charter School to comply with Chapter 343, Hawaii Revised Statutes, as amended. One of the conditions placed by the Land Board was that should the Connections New Century Public Charter School fail to obtain satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, within twenty-four (24) months, the Land Board's approval shall be rescinded. (Exhibit A)

By letter dated November 12, 2009, Ms. Celia Shen, Planner for Wil Chee-Planning, Inc. on behalf of Mr. John Thatcher, Chief Executive Officer of Connections Public Charter School, is respectfully requesting a seven to eight months extension to revise the conceptual master plan and environmental assessment, and to obtain a finding of no significant impact (FONSI). During the 30-day public comment period of the draft environmental assessment, they were informed that a significant segment of Kaumana Cave underlies the upper portion of the project site (above Edita Street), and could be impacted by the development as represented in the conceptual master plan. After reviewing the information shared by concerned speleologists, Connections New Century Public Charter School has decided to revise the conceptual master plan to avoid impacting Kaumana Cave by limiting development of major school facilities to the lower portion of the project site (below Edita Street). (Exhibit B)

Staff has no objections to the request and recommend the deadline be extended to December 31, 2010.

ITEM D-5

RECOMMENDATION: That the Board:

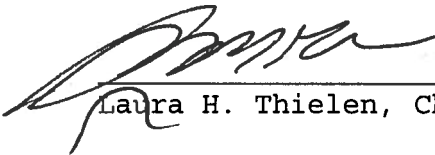
1. Grant Connections New Century Public Charter School until December 31, 2010 to obtain satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended
2. All terms and conditions listed in its March 28, 2008 approval to remain the same.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



08HD-018

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 28, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:08HD-018

HAWAII

Approval in Principle of Direct Lease to Connections New
Century Public Charter School for School Purposes, Kaumana,
Hawaii, Tax Map Key: (3) 2-5-6:141.

APPLICANT:

Connections New Century Public Charter School, whose business and
mailing address is 174 Kamehameha Avenue, Hilo, Hawaii 96720.

LEGAL REFERENCE:

Section 171-95(a)(2) and 95.5, Hawaii Revised Statutes, as
amended.

LOCATION:

Government lands situated at Ponahawai, Kaumana, Kukuau 2nd,
South Hilo, Hawaii, identified by Tax Map Key: (3) 2-5-6:141, as
shown on the attached map labeled Exhibit A.

AREA:

72.43 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: A-1A

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES ____ NO x

CURRENT USE STATUS:

Vacant.

EXHIBIT "A"

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

March 28, 2008

Encumbered by Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28322, GTE Hawaiian Telephone Co. Inc., for telephone circuit facilities purposes.

Encumbered by Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28353, GTE Hawaiian Telephone Co. Inc., for telephone transmission purposes.

CHARACTER OF USE:

School purposes.

LEASE TERM:

Sixty-five (65) years

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

To be determined upon final submittal to the Land Board upon satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended.

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

To be determined upon final submittal to the Land Board upon satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended.

PERFORMANCE BOND:

Twice the annual rental amount.

PROPERTY CHARACTERISTICS:

Utilities - utilities are available.

Slope - 4% to 6%

Elevation - 725-900 ft.

Rainfall - 193.2 inches per year.

SCS Soil Series - Lava flows, pahoehoe.

Land Study Bureau - D300 has a productivity rating of "c" for grazing, "d" for sugarcane and orchard and "e" for vegetables and forage.

Legal access to property - Staff has verified that there is legal access to the property off of Kaumana Drive and Edita Street.

Division - Staff has verified that the subject property is a

"1" TIBIXE

legally subdivided lot.

Encumbrances - Staff has verified that the following encumbrances exist on the property: Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28322, GTE Hawaiian Telephone Co. Inc., for telephone circuit facilities purposes and Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28353, GTE Hawaiian Telephone Co. Inc., for telephone transmission purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This is a request for the Land Board's approval in principle of a lease to Connections New Century Public Charter School and for Connections New Century Public Charter School to comply with Chapter 343, Hawaii Revised Statutes, as amended.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u> x </u>	NO	<u> </u>
Registered business name confirmed:	YES	<u> x </u>	NO	<u> </u>
Applicant in good standing confirmed:	YES	<u> x </u>	NO	<u> </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Prepare and process, at its own cost, all necessary studies and documentation for compliance with Chapter 343, Hawaii Revised Statutes, as amended.

REMARKS:

The subject property is currently vacant. Besides 2 easements, we have no records of any past dispositions.

The current zoning is agriculture. The proposed use is allowed.

Applicant qualifies for a direct lease pursuant to Section 171-95(a)(2) and 95.5, Hawaii Revised Statutes, as amended. Charter signed by Governor, Chairperson of the Board of Education and Superintendent of Education on May 5, 2000.

The school is in the process of hiring a consultant to prepare the environmental assessment, and if necessary, any other approvals. The site plan for the property is still in the early stages of development. The educational facility that the school envisions requires learning environments that support curiosity, as well as literacy. The future campus is to be built with a focus on creating an environment that is personalized, learning-focused, collaborative, connected to the community and adaptable and flexible. The authors of Architecture for Achievement: Building Patterns for Small School Learning define 26 design "patterns" in creating buildings that are "in harmony with geography, climate, context, and the culture of place." The

patterns, listed below, are grouped according to their primary focus:

Personalized

Human Scale
Greeting and Gatekeeping
Wayfinding and Streetscapes
Distributed Resources
Safety
Lifelong Fitness

Collaborative

Clusters of Learning
Gathering Spaces
Professional Work Areas

Community-Connected

Siting in Context
Community Resources

Learning-Focused

Signature
Display
Transparency
Varied Spaces
Studios and Specialty Labs
Presentation
Integrated Technology
Indoor/Outdoor Connections
Optimal Light
Acoustic Balance

Adaptable and Flexible

Multi-Use Classrooms
Learning Supports
(Furniture and Storage)
Flexible Boundaries
Adaptable Utilities
Living Buildings

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

If Land Board approval in principal is obtained, the Connections New Century Public Charter School will pursue compliance with Chapter 343, Hawaii Revised Statutes, as amended and incorporate agencies and community comments.

RECOMMENDATION: That the Board:

1. Approve in principle, a new direct lease to Connections New Century Public Charter School, subject to the following:
 - A. At its own cost Connections New Century Public Charter School shall pursue satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, and obtain a finding of no significant impact (FONSI) within twenty-four (24) months of the Land Board's approval;
 - B. Should Connections New Century Public Charter School fail to obtain satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, within twenty-four (24) months, the Land Board's approval shall be considered rescinded;
 - C. Connections New Century Public Charter School acknowledges the following:
 - i) All costs associated with the necessary compliance

with Chapter 343, Hawaii Revised Statutes, as amended, shall be borne by Connections New Century Public Charter School;

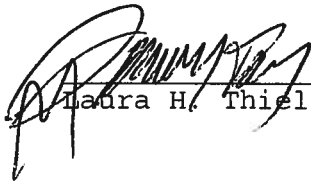
- ii) That this action is an approval in principle and does not provide any assurance of a direct lease and such approval of a direct lease shall be subject to consideration by the Land Board under a separate action after satisfactorily complying with Chapter 343, Hawaii Revised Statutes, as amended;
 - iii) That there has been no representations or assurance made regarding the annual rent to be paid under a direct lease. Connections New Century Public Charter School agrees to provide a proposal for rent and justification for such rent in connection with the Land Board's final consideration of a direct lease after satisfactorily compliance with Chapter 343, Hawaii Revised Statutes, as amended.
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





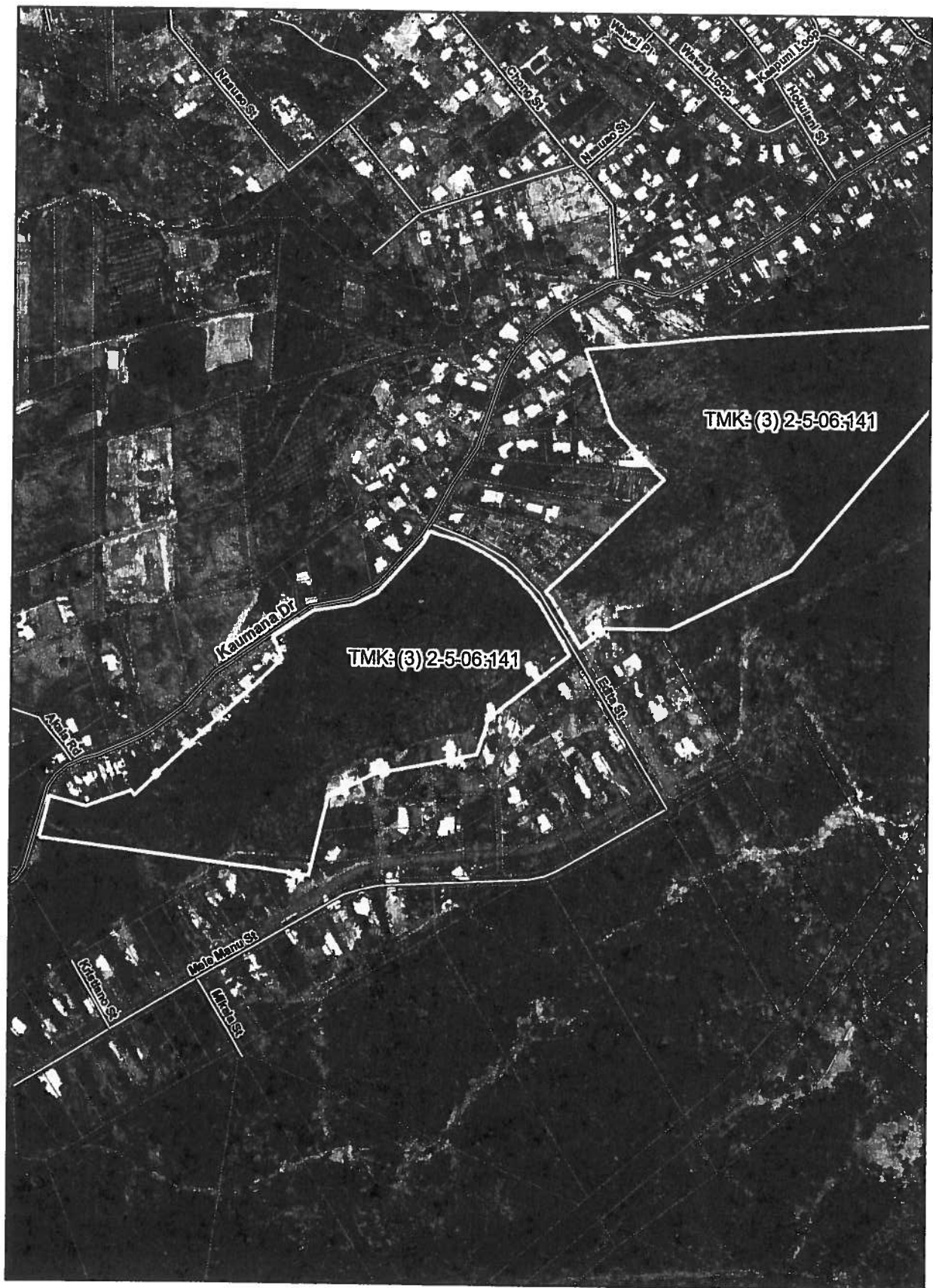
DEPARTMENT OF TAXATION
TAXATION MAPS BUREAU
STATE OF HAWAII
TAX MAP
THIRD TAXATION DIVISION
1971
2 5 06
SCALE 1 IN. = 300 FT.

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

EXHIBIT "A"

PORTERS, PONAHEWAI, KAUNAHUA, KUKULU
END, SOUTH HILO, HAWAII, HAWAII

Kaumana Parcel



0 230 460 920 1,380 1,840 Feet



APPLICATION AND QUALIFICATION QUESTIONNAIRE

(Non-Profit)

Write answers in the spaces provided. Attach additional sheets as necessary, clearly indicating the applicable section number.

Part I: General Information

1. Applicant's legal name: Connections New Century Public Charter School
2. Applicant's full mailing address:
174 Kamehameha Ave.
Hilo, HI 96720
3. Name of contact person: John Thatcher
Contact person Phone No.: 808-935-2395 Fax No.: 808-961-2665
4. Applicant is interested in the following parcel:
Tax Map Key No.: (3) 2-5-6:141 Location: Kaumana in Hilo
If Applicant is current lessee: General Lease No.: _____
5. When was Applicant incorporated? chartered in 2000
6. Attach the following:
 - A. Articles of Incorporation
 - B. Bylaws
 - C. List of the non-profit agency's Board of Directors
 - D. IRS 501(c)(3) or (c)(1) status determination
 - E. Tax clearances from State of Hawaii and respective county Real Property Tax Office.
 - F. Audited financial statements for the last three years. If not audited, explain why.
If Applicant is a new start-up, attach projected capital and operating budgets.
 - G. Any program material which describes eligibility requirements or other requirements to receive services

Part II: Qualification

7. Is Applicant registered to do business in Hawaii: Yes

8. Has Applicant received tax exempt status from the Internal Revenue Service? Yes
9. Is Applicant licensed or accredited in accordance with federal, State or county statutes, rules, ordinances, to conduct the proposed activities? Yes

List all such licenses and accreditations required: Charter signed by Governor, Chairperson of the Board of Education and Superintendent of Education

10. Is Applicant in default or otherwise not in good standing with any State (e.g. POS agency, DCCA, DLNR, etc.)? No

If yes, explain:

11. Has Applicant had a State of Hawaii lease, permit, license, easement or sale in fee cancelled within the last five years? If yes, list: No

<u>Doc. No.</u>	<u>Type of Agreement</u>	<u>Term of Agreement</u>
_____	_____	_____

12. Does Applicant have any policies which discriminate against anyone on the basis of race, creed, color, national origin, sex or physical handicap? No

If yes, explain:

13. Has Applicant received funding from a federal, State, or county government agency, the Aloha United Way, and/or a major private foundation within the last three years? Please list all such contracts below: Yes

<u>Agency</u>	<u>Contract Term</u>	<u>Contract Amount</u>
<u>State of Hawaii per pupil allocation</u>	<u>2005-2006 school year</u>	<u>\$1,886,046.00</u>
<u>Federal Title I</u>	<u>2005-2006 school year</u>	<u>\$83,447.00</u>
<u>Federal Impact Aid</u>	<u>2005-2006 school year</u>	<u>\$92,475.00</u>
<u>State of Hawaii per pupil allocation</u>	<u>2006-2007 school year</u>	<u>\$2,435,250.00</u>
<u>Federal Title I</u>	<u>2006-2007 school year</u>	<u>\$73,673.00</u>

<u>Agency</u>	<u>Contract Term</u>	<u>Contract Amount</u>
<u>Federal Impact Aid</u>	<u>2006-2007 school year</u>	<u>\$85,246.00</u>
<u>State of Hawaii per pupil allocation</u>	<u>2007-2008 school year</u>	<u>\$2,925,789.00</u>
<u>Federal Title I</u>	<u>2007-2008 school year</u>	<u>\$15,000 (to 1/25/08)</u>
<u>Federal Impact Aid</u>	<u>2007-2008 school year</u>	<u>\$97,558.00</u>

14. If Applicant has not received funding from a federal, State or county government agency, the Aloha United Way and/or a major private foundation during the past three years, describe Applicant's qualifications to effectively perform the proposed services, including but not limited to, grants or subsidies received from non-major, private funders and/or staff or Board members who possess significant experience in Applicant's service field.
-

Part III: Program Activities and Persons to be Served

15. What activities will be conducted on the premises to be leased?

K-12 educational program as defined in chartering document

16. What are the specific objectives of these activities?

Vision: To establish and sustain a community, business, and learning 'ohana (family). Within this framework, inquiry and project-based curricula will stress independent thinking, development of the individual's mind and talents, cooperative learning, sense of self within the neighborhood and the world-wide community with particular attention to the precious and unique environment of Hawaii, both as an island ecology and a place where ethnic diversity is the norm.

Mission: Our mission is to create an 'ohana which is conducive to the recognition and development of individual talents. Thematic and experiential learning experiences are provided which focus on how students construct knowledge using creative and critical thinking. A forum

for the development of the ability to recognize and differentiate a quality result or product is offered. Classroom experiences are connected to real life experiences so that students can grow in the understanding of themselves in relation to their community and the world.

Outcomes/goals: Instruction is guided by five powerful student-centered goals. Students demonstrate mastery through exhibitions, successful projects, and demonstrations of content mastery. The focus is on fully informing and preparing students for their future, particularly in fostering careers that sustain the economy on this island.

Goal 1 – Caring, Responsible Community Members: Students shall develop their abilities to become responsible members of a family, work group, or local/global community within the framework of democracy.

Goal 2 - Creative, Critical Thinkers: Students will think creatively, critically, and strategically to make effective decisions, solve problems, and achieve goals in their academic, personal and social lives, in and out of school.

Goal 3 - Effective Communicators: Students will write, speak and listen effectively in a variety of situations for a variety of audiences and purposes.

Goal 4 - Users and Producers of Technology: Student will understand, use, and evaluate technologies as well as produce new innovative uses and applications in a variety of contexts for a variety of audiences and purposes including academic, personal and social.

Goal 5 - Stewards of Hawaii's Unique Environment: Students will understand a variety of eco-systems, natural energy flows and the natural environment in order to preserve and design systems to renew natural resources and habitats.

17. Describe the community need for and the public benefit derived from these activities.

Charter schools are nonsectarian public schools of choice that operate with freedom from many of the regulations that apply to traditional public schools. The "charter" establishing each such school is a performance contract detailing the school's mission, program, goals, students

served, methods of assessment, and ways to measure success. Charter schools are accountable to their sponsor to produce positive academic results and adhere to the charter contract. The basic concept of charter schools is that they exercise increased autonomy in return for this accountability. They are accountable for both academic results and fiscal practices to several groups: the sponsor that grants them, the parents who choose them, and the public that funds them.

18. Describe the targeted population for these activities by: 1) age group, 2) gender, 3) ethnic background, 4) income level, 5) geographic location of residence, 6) special needs/disability, and 7) other applicable characteristic(s).

The school serves families coming from a range of geographical locations on the Big Island. The communities presently served include Hilo extending northward to the Hamakua district and Waimea; upper Puna district to Volcano Village; and the lower Puna district to Pahoia. There are currently 359 students enrolled. The school serves an ethnically and economically diverse population. Ethnically the 2007-2008 student population is as follows in descending order: 35% White, 28% Hawaiian or Part Hawaiian, 15% - Mixed (Other), 4% Portuguese, 4% Hispanic, 4% Japanese, 3% Native American, 3% Filipino, 2% Black, 1% Samoan, 1% Korean, and 1% Chinese. Fifty-five percent of the students receive free or reduced lunches.

Connections has a significant population of students with special needs (12% of total population). Special education students are integrated into the classrooms using an inclusion model. A little over 1% of the students within the school have section 504 accommodations. The school also has a growing ELL (English Language Learner) population.

19. Describe all eligibility requirements of clients to participate in the activities, e.g. age, income level, ethnic background, income level, disability, etc.

None

20. Do you require membership to participate in these activities? Yes

If yes, list the requirements of becoming and remaining a member:

Enrollment in the school

21. How many unduplicated persons will engage in the activities annually?

Activity

Persons Per Year

The population of the school is currently 359 students. The school currently has 52 employees.

22. Is State funding made available for the activities to be conducted on the leased premises? Yes

If yes, by which State agency: The Hawaii State Charter Schools Administrative Office

23. List all activities to be conducted on the leased premises which require payment of excise taxes, e.g. subleasing, sale of products or services. Include an estimate of annual gross revenues from each activity.

None

Development of the Land

24. Describe the proposed site development plan for the property, indicating the location and size of buildings, parking areas, landscaped areas and related uses. Attach sketch of plan if available.

The site plan for the property is still in the early stages of development. The vision has been highly influenced by Randall Fielding an award-winning educational facility planner who specializes in holistic, vision-driven designs for tomorrow's learners. The educational facility that the school envisions requires learning environments that support curiosity, as well as literacy. The school will integrate a new understanding of learning for the 21st century that

extends beyond traditional building solutions. Fortunately, a substantial, readily accessed database of educational architecture over the last decade has resulted in a rapidly emerging language of best practices for planning and designing 21st century schools. The emerging language of educational design supports both the foundational skills of literacy with the demands of a global economy, which require that learners are curious, self-directed, and able to work across platforms. Six aspects of best practice offer essential elements that support the requirements of the school's educational framework:

1. Supporting teaching and learning

2. Maximizing physical comfort and well being

3. Demonstrating environmental responsibility

4. Serving the community

5. Establishing design principles that make buildings work better, last longer, cost less to renovate and maintain, and inspire and adapt to changing needs

6. Applying open, transparent and collaborative processes that allow the school and community to assume ownership of planning and design

25. What improvements to the land do you intend to make and at what cost?

We are in the process of hiring a consultant to prepare the EA (environmental assessment).

That information will be included in the EA.

26. How will the improvements be funded?

Same as #25.

27. Describe all environmental, land use and other permitting requirements which must be met to develop the land as proposed.

EA is needed for the use of State lands. Our consultant during the consultation process with other government agencies, will incorporate any permits/approvals required.

28. Will you be subleasing any portion of the property? If yes, describe the sublease uses:

No

Part V: Notarized Certification

I/We hereby certify that the statements and information contained in this Application and Questionnaire, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, I/we may be disqualified from receiving a lease or my/our lease may be canceled.

John L. Thatcher Connections Public Charter School
Applicant Name Applicant Name

By: John L. Thatcher By: _____
Its: CEO Its: _____

Date: 1/28/08

Subscribed and sworn to before me this

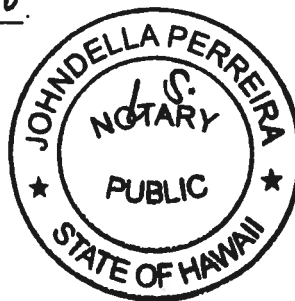
28 day of January, 2008.

[Signature]
Notary Public JOHNDELLA PERREIRA

County of: Hawaii

State of: Hawaii

My commission expires: 04/08/2011





WIL CHEE - PLANNING & ENVIRONMENTAL

RECEIVED
LAND DIVISION

2009 NOV 13 A 10:38

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

November 12, 2009

Charlene E. Unoki
Assistant Administrator
Department of Land and Natural Resources, Land Division
P.O. Box 621
Honolulu, HI 96809

Subject: Approval in Principal of Direct Lease to Connections Public Charter School, Kaumana, Hawaii, TMK (3) 2-5-006:141

Dear Ms. Unoki,

On behalf of Mr. John L. Thatcher, Chief Executive Officer of Connections Public Charter School (CPCS), Wil Chee - Planning, Inc. hereby requests an extension of the 24-month time period in which to comply with Chapter 343, Hawai'i Revised Statutes, as amended, with a Finding of No Significant Impact as required by the Approval in Principal of Direct Lease dated March 28, 2008. Per the Approval in Principal, the 24-month period will end in March 2010.

CPCS completed its initial conceptual master plan for the 72-acre site in Kaumana and proceeded with preparation of an Environmental Assessment (EA) to address that master plan. The Draft EA was distributed for agency and public review and its availability was published in the Office of Environmental Quality's *The Environmental Notice* on August 8, 2009. During the 30-day public comment period, we were informed that a significant segment of Kaumana Cave underlies the upper portion of the project site (above Edita Street) and could be impacted by the development as represented in the conceptual master plan.

After reviewing the information that was generously shared with us by concerned speleologists, CPCS has opted to revise the conceptual master plan to avoid impacting Kaumana Cave by limiting development of major school facilities to the lower portion of the project site (below Edita Street). The conceptual master plan is currently under revision. A revised Draft EA to address the reworked conceptual master plan, as well as issues associated with Kaumana cave will be prepared and made available for agency and public review. Additional specialized studies may need to be conducted for the EA to address issues related to Kaumana Cave.

Due to this unexpected development and the need to revise the conceptual master plan and EA, it will not be possible to finalize the EA and obtain a Finding of No Significant Impact by March 2010. We anticipate that another seven to eight months, beyond March 2010, will be needed to

Providing Services Since 1976
Land Use Planners and Environmental Consultants

EXHIBIT "B"

complete the necessary revisions. Therefore, we respectfully request that the deadline to comply with Chapter 343 be extended to December 2010.

Please feel free to contact me should you have any questions or would like to discuss this further (email: wpcelia@lava.net / phone: 596-4688).

Sincerely,

A handwritten signature in cursive script, appearing to read "Celia Shen".

Celia Shen
Planner, Wil Chee – Planning, Inc.

cc. John L. Thatcher, CEO, Connections Public Charter School